

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

ALL ACTIONS

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**PLAINTIFFS' EMERGENCY UNOPPOSED MOTION TO EXTEND DUE DATE FOR
FILING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW
AND TRIAL BRIEFS**

The Court's Amended Pretrial Order directs the parties to file on October 27, 2006, trial briefs and proposed findings of fact and conclusions of law. Because one of Plaintiffs' key witnesses is unavailable to complete his trial testimony until November 1, Plaintiffs are unable to complete their proposed findings of fact and conclusions of law until November 1 as well.

Plaintiffs already moved for an unopposed extension until November 1 to file this witness's direct testimony (the direct testimony for Plaintiffs' remaining witnesses is being filed on October 27).¹ Plaintiffs respectfully request a short, three-day extension until November 1 in order to file their proposed findings of fact, conclusions of law and trial brief as well. Under this proposal, Defendants' would also receive the same extension.

Plaintiffs have conferred with Defendants who consent to this motion.

¹ Because of the very personal nature of the circumstances causing this short delay, Plaintiffs do not believe that it is appropriate to identify this witness by name in the public record.

DATED: October 27, 2006

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CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **PLAINTIFFS' EMERGENCY UNOPPOSED MOTION TO EXTEND DUE DATE FOR FILING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND TRIAL BRIEFS** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on October 27, 2006, a copy to LexisNexis File & Serve for posting and notification to all parties.

By /s/ Steve W. Berman

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